

Appln. Serial No. 10/708,182
Amendment Dated July 10, 2007
Reply to Office Action Mailed April 10, 2007

REMARKS

In the Office Action dated April 10, 2007, claims 1-42 were rejected on the ground of non-statutory obviousness-type double patenting over claims 1-33 of U.S. Patent No. 6,385,031.

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INFORMATION DISCLOSURE STATEMENT

A Supplemental Information Disclosure Statement is submitted herewith.

OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

Claims 1-42 were rejected on the ground of non-statutory obviousness-type double patenting over claims 1-33 of U.S. Patent No. 6,385,031 (hereinafter the "'031 patent").

It is respectfully submitted that the present claims are non-obvious over claims 1-33 of the '031 patent.

Claim 1 of the present application recites a *sealed chamber* containing a dielectric element, and conductors in the *sealed chamber*. The provision of such a sealed chamber is not hinted at or suggested in claims 1-33 of the '031 patent. Therefore, present claim 1 is non-obvious over claims of the '031 patent.

Independent claim 33 similarly recites microelectromechanical elements that comprise a sealed chamber containing at least one of a dielectric gas and dielectric liquid, and conductors in the sealed chamber. This feature of claim 33 is not suggested or hinted at by claims 1-33 of the '031 patent. Therefore, claim 33 is also non-obvious over claims 1-33 of the '031 patent.

Independent claim 25 recites a switch having electrical conductors and a dielectric material between the conductors, where each of the conductors has a curved side. A conductor having a curved side is not suggested or hinted at by claims 1-33 of the '031 patent. Therefore, claim 25 of the present application is also non-obvious over claims 1-33 of the '031 patent.

Independent claim 28 recites a switch comprising nanotube electron emitters, which is not suggested or hinted at by claims 1-33 of the '031 patent. Independent claim 37 recites a nanotube electron emitter, which is not suggested or hinted at by claims 1-33 of the '031 patent. Independent claim 40 recites a switch having conductors and at least one of a nanotube electron emitter and a radioactive isotope electron emitter, neither of which is suggested or hinted at by claims 1-33 of the '031 patent. Therefore, claims 28, 37, and 40 of the present application are also non-obvious over claims 1-33 of the '031 patent.

In view of the foregoing, withdrawal of the double patenting rejection is respectfully requested.

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Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (SHL.0072P2US).

Respectfully submitted,

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